

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: N/A
Filing Date: N/A
Applicant: Watson et al.
Group Art Unit: N/A
Examiner: N/A
Title: CORDLESS POWER TOOL SYSTEM
Attorney Docket: 0275A-000360/COD

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicant hereby submits an Information Disclosure Statement for consideration by the Examiner.

I. **LIST OF PATENTS, PUBLICATIONS, AND OTHER INFORMATION**

The patents, publications and other information submitted for consideration by the Office (except unpublished U.S. patent applications) are listed on Form 1449 attached hereto.

II. **COPIES**

A. ___ Submitted herewith is a legible copy of (i) each U.S. patent application publication and U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; (iii) for each cited pending U.S. application, the application specification including the claims, and any drawing of the application which caused it to be listed including the claims directed to that portion; and (iv) all other information or that portion which caused it to be listed.

B. X Any patents, publications or other information which are listed on Form 1449 or on the copies of PTO-892, but which are not enclosed herewith, were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120:

U.S. Serial Number

10/309,840

09/579,940

09/963,809

09/133,923

U.S. Filing Date

December 4, 2002

May 26, 2000

September 26, 2001

August 13, 1998

C. ___ This is a PCT application in the entry of the National Phase in the United States. A copy of the International Search Report is attached for the Examiner's information. The documents listed on the International Search Report are listed on the attached Form-1449 for consideration by the Examiner and for listing on any patent resulting from this application. Since the International Search Report was from the US, EPO, or JPO search authorities, copies of these references should have been supplied to the USPTO under the trilateral agreement and are believed to be in the file of the above-identified application. (MPEP 1893.03(g))

III. CONCISE EXPLANATION OF THE RELEVANCE (check at least one box)

A. ___ Except as may be indicated below in (B), all of the patents, publications or other information are in the English language (concise explanation not required).

B. ___ A concise explanation of the relevance of each patent, publication or other information listed that is not in the English language is as follows (see 37 C.F.R. § 1.98(a)(3)):

1. ___ See the attached foreign patent office communication from a counterpart foreign application:
2. ___ English translations are provided for:
3. ___ Other:

C. ___ The following additional information is provided for the Examiner's consideration.

IV. CROSS REFERENCE TO RELATED APPLICATION(S)

A. ___ The Examiner is advised that the following co-pending application(s) contain(s) subject matter that may be related to the present application. By bringing this(these) application(s) to the Examiner's attention, Applicant(s) does(do) not waive the confidentiality provisions of 35 U.S.C. § 122.

Serial No.

Filing Date

Art Unit

V. THIS IDS IS BEING FILED UNDER

A. X 37 C.F.R. § 1.97(b): (check only one box)

1. X within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d) (37 C.F.R. § 1.97(b)(1)). No fee or certification is required.

2. ____ within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or certification is required.

3. ____ before the mailing of a first Office Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below; or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

4. ____ before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No fee or certification is required.

B. ____ 37 C.F.R. § 1.97(c): (check only one box)

- before the mailing date of either any Final Office Action under 37 C.F.R. § 1.113, a Notice of Allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution.

1. ____ No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

2. ____ See the certification below. No fee is required.

C. ____ 37 C.F.R. § 1.97(d):

- after the mailing date of either a Final Office Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, yet on or before payment of the issue fee.

1. ____ See the certification below. A fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

VI. CERTIFICATION UNDER 37 C.F.R. § 1.97(e): (check only one box)

The undersigned hereby certifies that:

A. ____ each item of information contained in this IDS was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(1)). See further statement under 37 C.F.R. 1.704(d) below in section VII, if applicable; or

- B. ☐ no item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(2)).
- C. ☐ Some of the items of information were first cited in a communication from a foreign patent office. As to this information, the undersigned hereby certifies that each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS.

VII. STATEMENT UNDER 37 CFR 1.704(d)

The undersigned hereby states that:

☐ each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. 1.56(c) more than thirty days prior to the filing of this IDS.

VIII. PAYMENT OF FEES (check only one box)

- A. ☒ No fee presently due.
- B. ☐ A check in the amount of \$180.00 is enclosed for the above-identified fee.
- C. ☐ Please charge Deposit Account No. 02-2548 in the amount of \$180.00 for the above-indicated fee.

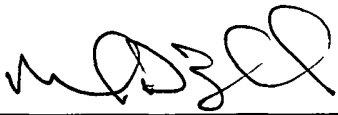
The above references are being cited only in the interest of candor and without any admission that they constitute statutory prior art, contain matter which anticipates the invention, or which would render the same obvious, either singly or in combination, to a person of ordinary skill in the art. Furthermore, this Information Disclosure Statement shall not be construed as a representation that a search has been made.

If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition if necessary) and charge the appropriate fee to Deposit Account No. 02-2548.

Please charge any additional fees or credit any overpayment pursuant to 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 02-2548.

Respectfully submitted,

Dated: 22-July-2003

By: 

Michael D. Zalobsky
Reg. No. 45,512

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| FORM HDP-1449 (Based on Form PTO-1449) PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE CITATION (Use several sheets if necessary) Sheet 1 of 4 | ATTORNEY DOCKET No. | SERIAL No. |
| | 0275A-000360/COD | N/A |
| | APPLICANT | |
| | Watson et al. | |
| | FILING DATE | GROUP |
| | N/A | N/A |

| U.S. PATENT DOCUMENTS | | | | | | |
|-----------------------|---------------------|-----------------|---------|-----------------------|-----------------|------------------------------|
| Ref. Desig. | Examiner's Initials | Document Number | Date | Name | Class/ Subclass | (If appropriate) Filing Date |
| 1. | | 2,962,062 | 11/1960 | Winkler et al. | 143/43 | |
| 2. | | 3,262,472 | 7/1966 | McCarty et al. | 143/43 | |
| 3. | | 3,292,673 | 12/1966 | Gregory | 143/43 | |
| 4. | | 3,447,577 | 6/1969 | Burrows et al. | 143/43 | |
| 5. | | 3,706,332 | 12/1972 | George | 143/159 | |
| 6. | | 3,730,239 | 5/1973 | Kaman et al. | 143/159 | |
| 7. | | 3,757,194 | 9/1973 | Weber et al. | 320/2 | |
| 8. | | 3,883,789 | 5/1975 | Achenbach et al. | 320/2 | |
| 9. | | 3,952,239 | 4/1976 | Owings et al. | 320/2 | |
| 10. | | 3,973,179 | 8/1976 | Weber et al. | 320/2 | |
| 11. | | 4,221,051 | 9/1980 | Glass | 30/377 | |
| 12. | | 4,321,523 | 03/1982 | Hammel | | |
| 13. | | 4,353,165 | 10/1982 | Albery | 30/376 | |
| 14. | | 4,516,324 | 5/1985 | Heininger, Jr. et al. | 30/377 | |
| 15. | | 4,555,849 | 12/1985 | Ando et al. | 30/388 | |
| 16. | | 4,616,169 | 10/1986 | Proffitt | 320/2 | |
| 17. | | 4,847,513 | 7/1989 | Katz et al. | 307/149 | |
| 18. | | 4,856,394 | 8/1989 | Clowers | 83/56 | |
| 19. | | 4,982,501 | 1/1991 | Sauerwein et al. | 30/376 | |
| 20. | | 5,010,651 | 4/1991 | Techter et al. | 30/376 | |
| 21. | | 5,140,249 | 8/1992 | Linder et al. | 320/2 | |

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| Examiner: | Date Considered: |
|-----------|------------------|

EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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| FORM HDP-1449 (Based on Form PTO-1449) PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE CITATION (Use several sheets if necessary) Sheet 2 of 4 | ATTORNEY DOCKET NO. | SERIAL No. |
| | 0275A-000360/COD | N/A |
| | APPLICANT | |
| | Watson et al. | |
| | FILING DATE | GROUP |
| | N/A | N/A |

| U.S. PATENT DOCUMENTS | | | | | | |
|-----------------------|---------------------|-----------------|---------|------------------|-----------------|------------------------------|
| Ref. Desig. | Examiner's Initials | Document Number | Date | Name | Class/ Subclass | (If appropriate) Filing Date |
| 22. | | 5,280,525 | 5/1993 | Lopic et al. | 320/2 | |
| 23. | | 5,381,602 | 1/1995 | Matzo et al. | 30/377 | |
| 24. | | 5,454,167 | 10/1995 | Albery | 30/377 | |
| 25. | | 5,504,412 | 4/1996 | Chan et al. | 320/2 | |
| 26. | | 5,508,123 | 4/1996 | Fan | 429/96 | |
| 27. | | 5,517,763 | 5/1996 | Schilling et al. | 30/376 | |
| 28. | | 5,553,675 | 9/1996 | Pitzen et al. | 173/217 | |
| 29. | | 5,589,288 | 12/1996 | Coulson et al. | 429/96 | |
| 30. | | 5,671,815 | 9/1997 | Kabatnik et al. | 173/217 | |
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| 32. | | 6,075,341 | 6/2000 | White et al. | | |
| 33. | | 5,792,573 | 8/1998 | Pitzen et al. | | |
| 34. | | 5,508,123 | 4/1996 | Fan | | |
| 35. | | 5,391,972 | 2/1995 | Gardner et al. | | |
| 36. | | 3,952,239 | 4/1976 | Owings et al. | | |
| 37. | | 3,338,394 | 06/1975 | Kaye | | |
| 38. | | D363,656 | 04/1994 | Gierke | | |
| 39. | | 5,881,823 | 4/1996 | Kabatnik et al. | | |

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|-----------|------------------|
| Examiner: | Date Considered: |
|-----------|------------------|

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FORM HDP-1449 (Based on Form PTO-1449)

**PATENT AND TRADEMARK OFFICE
INFORMATION DISCLOSURE CITATION**

(Use several sheets if necessary)

Sheet 2 of 4

ATTORNEY DOCKET No.

SERIAL No.

0275A-000360/COD

N/A

APPLICANT

Watson et al.

FILING DATE

GROUP

N/A

N/A

FOREIGN PATENT DOCUMENTS

| Ref. Desig. | Examiner's Initials | Document Number | Date | Country | Class/ Subclass | Translation | |
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| | | | | | | Yes | No |
| 1. | | DE 34 29 095 | 1/1997 | Germany | | | |
| 2. | | DE 44 03 189 | 11/1991 | Germany | | | |
| 3. | | GB 2 302 051 | 1/1997 | Great Britain | | | |
| 4. | | DE 93 19 361.0 | | Germany | | | |
| 5. | | DE 196 04 346 A1 | 8/1996 | German | | | |
| 6. | | G 91 15 492. 8 | 4/1992 | Germany | | | |
| 7. | | DE 295 13 330 | 2/1997 | Germany | | | |
| 8. | | DE 39 19 702 | 11/1991 | Germany | | | |
| 9. | | EPO 0 238 718 | | EPO | | | |
| 10. | | EP 0 374 600 B1 | 8/1995 | European | | | |
| 11. | | DE 93 11 901.1 | | Germany | | | |
| 12. | | JP 0281880 | | Japan | | | |
| 13. | | EP 1 025 961 A1 | 8/2000 | EPO | | | |
| 14. | | EP 1 017 149 A2 | 7/2000 | EPO | | | |
| 15. | | EP 1 017 149 A3 | 4/2001 | | | | |

OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)

| Ref. Desig. | Examiner's Initials | |
|----------------|------------------------|---|
| 1. | | 1997 DeWalt Catalog, p. 18 |
| 2. | | Makita 1997 Pocket Catalog, pgs. 11, 16 |

Examiner:

Date Considered:

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Sheet 2 of 4

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OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)

| Ref. Desig. | Examiner's Initials | |
|----------------|------------------------|---|
| 3. | | Milwaukee Heavy Duty Electric Tools For Contractors and Industry, 1997 Catalog, p. 24 |
| 4. | | Makita 1993 Catalog, four pages including cover page, pages 17 and 19, and back page (dated 1993) |

Examiner:

Date Considered:

EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.